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Docket No. HJP-105X2C2
Serial No. 10/675,365Remarks

Claims 1-8 and 19-70 are pending in the subject application. By this Amendment, Applicant has amended claims 1, 8, 48, 49, and 70; and added new claims 73-83. Support for the amendments and the new claims can be found throughout the specification and in claim 70 as originally filed, as the new claims merely set out in detail what was originally claimed by reference to multiple other claims. Claims 73-83 are in no way further limited by being set out as individual claims in this format. Entry and consideration of the amendments presented herein is respectfully requested. Upon entry of this amendment claims 1-8, 19-70, and 73-83 will be before the Examiner.

Applicant respectfully requests reconsideration and withdrawal of the objection to claim 70 in view of the above amendment and addition of new claims 73-83.

Next, Applicant respectfully requests reconsideration and withdrawal of the §112, second paragraph, rejection of claims 1-8 and 19-70 as indefinite. Applicant has amended claim 1 above in accord with the Examiner's suggestion, specifying that the septic tank comprises means for sealably connecting the panels, one to another. Although Applicant does not agree with the original grounds of rejection, Applicant does hereby express his gratitude to the Examiner for the suggested amendments.

Applicant next traverses the §103(a) rejection of claims over Torricelli in view of Warner or Carlson. The primary reference, Torricelli, is a disclosure of a septic tank made of flat panels of concrete. This reference is almost sixty (60) years old. Septic tanks having plastic parts, as mentioned in the secondary reference, Carlson, have been known in the art for over thirty (30) years. Although the other secondary reference, Warner, is a 1991 publication, it adds nothing in this context beyond what is already disclosed in Carlson as old in the art as of 1974! Despite this, Applicant is the first to teach septic tanks made of substantially flat plastic panels. If the claimed invention were obvious, surely someone skilled in the art would have come up with it at some point within the past thirty (30) years. They did not. Septic tanks made of panels have been known for more than sixty (60) years. Septic tanks made of plastic have been known for more than thirty (30) years. The combination of these characteristics was never made until Applicant did so. Clearly, had the motivation to do so existed in the art, it would have been done long before the date of the subject invention. The fact that it was not is strong evidence that the invention is not obvious.

Further evidence of non-obviousness is the commercial success of Applicants' invention. Accompanying this response are copies of invoices dated March 22, 2005 and June 30, 2005 evidencing the sale of over \$150,000 of the subject septic tanks (a total of ninety tanks). It is well

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settled that commercial success is evidence of non-obviousness. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant similarly traverses the next §103(a) rejection of claims over Blanchard in view of Warner or Carlson. The primary reference relied on in this rejection also teaches a septic tank made of flat concrete panels, a disclosure that is over fifty (50) years old. The secondary references are the same as just discussed, and this rejection suffers from the same deficiencies as the first. Septic tanks of flat concrete panels are extremely old, and septic tanks of plastic are over thirty (30) years old, yet no one until Applicant has combined these teachings to yield the invention now claimed. Reconsideration and withdrawal is respectfully requested.

The remaining §103(a) rejections rely on the same primary and secondary references as already discussed and for the same reasons, Applicant hereby respectfully traverses these grounds of rejection as well. Reconsideration and withdrawal is respectfully requested.

Finally, in response to the obviousness-type double patenting rejection of claims set forth at pages 4-5 of the Office Action, Applicant submits herewith a Terminal Disclaimer over U.S. Patent No. 6,858,138. Reconsideration is respectfully requested.

In view of the foregoing remarks, submissions, and amendments to the claims, Applicant believes that all claims currently pending are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,


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Attachments: Petition and Fee for Extension of Time; Terminal Disclaimer; copies of invoices dated March 22, 2005 and June 30, 2005